

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SAMANTHA ADAMS,

Plaintiff,

v.

1:05-cv-2384-WSD

**LEASE PLAN USA, INC., a
Delaware corporation, et al.,**

Defendants.

ORDER

This matter is before the Court on its December 5, 2005 Order directing Plaintiff to participate in the submission of the Joint Certificate of Interested Persons (the “Certificate”) and Joint Preliminary Report and Discovery Plan (the “Report”) [9].

Plaintiff filed her Complaint on September 13, 2005, and Defendant Lease Plan U.S.A., Inc. filed its Answer on October 25, 2005. Pursuant to Local Rules 3.3 and 16.2, the parties’ Certificate and Report were due on or before November 24, 2005. See L.R. 3.3, 16.2, N.D. Ga. On that date, Defendants filed a unilateral version of the Report and Certificate, stating that “Plaintiff’s counsel has failed to respond to Defendants’ repeated requests for input and revisions to

this Report.” (Report at 1.) On December 5, 2005, the Court directed Plaintiff to contact opposing counsel, participate in the preparation of the Report, and submit the Report on or before December 20, 2005. (December 5, 2005 Order at 1.) Plaintiff was expressly advised that failure to comply with the order would result in the dismissal of this action. (Id.) Plaintiff has not submitted the Report or moved for an extension of time in which to do so, and there is no indication on the docket that Plaintiff or her counsel has contacted opposing counsel or participated in the preparation of a joint Report.


Local Rule 41.3 authorizes the Court to dismiss a case for want of prosecution if the plaintiff or her attorney, after notice, fails or refuses to obey a lawful order of the Court. L.R. 41.3(A)(3), N.D. Ga. Plaintiff here failed to participate in the development and submission of the Certificate and the Report as required by the Local Rules and the Federal Rules of Civil Procedure. She further failed to comply with the Court’s express order to submit the Report, despite the Court’s admonition that failure to do so would result in dismissal of her case. Under these circumstances, dismissal pursuant to Local Rule 41.3 is warranted.

Accordingly,

IT IS HEREBY ORDERED that the instant action is **DISMISSED** and

the Clerk is **DIRECTED** to close this case.

SO ORDERED, this 21st day of December, 2005.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE